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10 Attorneys for Involuntary Debtor

11 Dave R. Michal

12 UNITED STATES BANKRUPTCY COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 In re:

Case Number 22-22056

15 DAVE R. MICHAL,

Involuntary Chapter 7

16 Involuntary Debtor.

17 INVOLUNTARY DEBTOR'S ANSWER
18 TO THE AMENDED INVOLUNTARY
19 CHAPTER 7 PETITION

20 Involuntary Debtor answers the allegations of the Amended Involuntary Chapter 7

21 Petition as follows:

- 22 1. **Sections 2-4:** Involuntary Debtor admits that his name is stated correctly and that
- 23 the last four digits of his Social Security number are correct.
- 24 2. **Section 6:** Involuntary Debtor admits that his residence address is stated correctly.
- 25 3. **Section 7:** Involuntary Debtor admits that he operates a business.
- 26 4. **Section 8:** Involuntary Debtor denies that the debts for which he is personally
- 27 liable are primarily business debts.
- 28 5. **Section 9:** Involuntary Debtor does not know of any bankruptcy cases presently
- pending by or against any partner, spouse or affiliate of his.

7. **Section 11:** Involuntary Debtor denies that he “is not generally paying his debts as they become due.”

AS AND FOR A FIRST SEPARATE AND AFFIRMATIVE DEFENSE, Involuntary Debtor states that he has at least 12 creditors to whom he makes regular payments as their bills become due: (1) Capital One; (2) Citibank; (3) Sierra Central Credit Union (two vehicle loans); (4) The Lewallen 2000 Trust, holder of the mortgage on Involuntary Debtor's Redding home; (5) Shasta County Tax Assessor (property taxes); (6) State Farm Insurance (three policies); (7) City of Redding (electricity, water and trash); (8) Pacific Gas & Electric (natural gas); (9) Spectrum (internet and television); (10) Direct TV; (11) Verizon (cell phones); and (12) Clark Pest Control.

AS AND FOR A SECOND SEPARATE AND AFFIRMATIVE DEFENSE, Involuntary Debtor Dave R. Michal alleges that Petitioning Creditors fail the Involuntary Chapter 7 fundamental requirement of numerosity found in 11 U.S.C. § 303(b)(1) because all three individual petitioners, and the petitioning creditor acting as trustee for a deceased's estate, hold only one joint assignment of a single, indivisible judgment that was obtained by a third party against Involuntary Debtor.

WHEREFORE, Involuntary Debtor requests that this Court enter its Judgment dismissing this Involuntary Chapter 7 Petition filed against him, awarding him his attorneys' fees and costs as provided by 11 U.S.C. § 303(i)(1) & (2), and for such other and further relief as this Court shall deem just and proper, pursuant to 11 U.S.C. § 303(j) and (k).

DATED: October 21, 2022

Dwiggins & Wilson Bankruptcy Law

By: /s/ Patricia Wilson
Patricia Wilson
Attorneys for Involuntary Debtor Dave R. Michal

VERIFICATION

I, DAVE R. MICHAL, declare as follows:

I am the Involuntary Debtor in the above entitled action. I have read the foregoing Involuntary Debtor's Answer to the Amended Involuntary Chapter 7 Bankruptcy Petition and know the contents thereof and the same are true and correct.

Executed October 21, 2022, at Redding, California.


DAVE R. MICHAL